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The Supreme Court Just (Finally) Stood Up for Property Rights against the CDC's Lawlessness

Brad Polumbo : 4-5 minutes : 8/28/2021

When it comes to upholding Americans' constitutional rights, late isn't good enough. But it's still better than never. With its Thursday ruling striking down the federal government's so-called "eviction moratorium," the Supreme Court is finally doing its job—and standing up for Americans' basic property rights.

The Centers for Disease Control policy in question prohibited landlords from evicting non-paying tenants in many circumstances, all in the name of stopping the spread of COVID-19. It began in September 2020 and threatens non-compliant landlords with penalties of up to a year in jail and \$100,000 in fines. The policy did not, however, place a "moratorium" on landlords' mortgage payments and bills. As a result, it has ruined countless middle-and-working class landlords and turned the rental market upside down.

With its ruling this week, the Supreme Court [ended the moratorium](#) and ruled in favor of the landlords who took it to court.

"The moratorium has put the applicants, along with millions of landlords across the country, at risk of irreparable harm by depriving them of rent payments with no guarantee of eventual recovery," the court's [unsigned majority opinion](#) reads. "Despite the CDC's determination that landlords should bear a significant financial cost of the pandemic,

many landlords have modest means. And preventing them from evicting tenants who breach their leases intrudes on one of the most fundamental elements of property ownership—the right to exclude.”

The justices pointed out the shockingly thin legal basis the CDC had tried to use to justify its order.

“The CDC has imposed a nationwide moratorium on evictions in reliance on a decades-old statute that authorizes it to implement measures like fumigation and pest extermination,” the court ruling continues. “It strains credulity to believe that this statute grants the CDC the sweeping authority that it asserts. Indeed, the Government’s read of [the law] would give the CDC a breathtaking amount of authority. Could the CDC, for example, mandate free grocery delivery to the homes of the sick or vulnerable? Require manufacturers to provide free computers to enable people to work from home? Order telecommunications companies to provide free high-speed Internet service to facilitate remote work?”

These hypotheticals make plain the unprecedented and alarming nature of the CDC’s attempted power grab. However, liberal-leaning Justice Stephen Breyer wrote a [dissent](#) from the majority’s ruling. In it, he argues that “the public interest is not favored by the spread of disease or a court’s second-guessing of the CDC’s judgment... [it] strongly favors respecting the CDC’s judgment at this moment, when over 90% of counties are experiencing high transmission rates.”

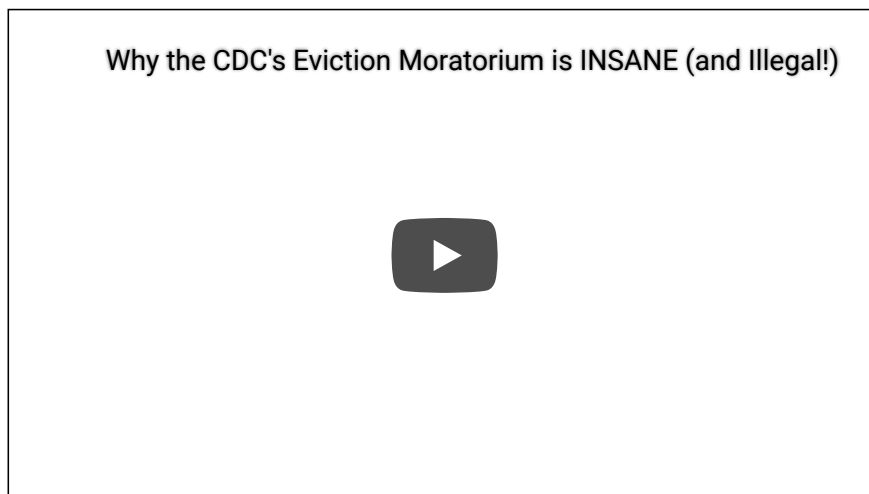
Basically, the dissenting justices think we should just blindly trust government officials because the COVID-19 pandemic is a serious threat. Yet that’s not how the rule of law is supposed to work.

“It is indisputable that the public has a strong interest in combating the spread of the COVID–19 Delta variant,” the Supreme Court majority concludes. “But our system does not permit agencies to act unlawfully even in pursuit of desirable ends.”

Indeed, it does not—or, at least, it’s not supposed to.

Unfortunately, the court failed to protect property rights when it allowed previous iterations of the moratorium to remain in place in past cases. Here’s hoping that next time, the Supreme Court doesn’t wait so long to do its job.

WATCH: [Why the CDC's Eviction Moratorium is INSANE \(and Illegal!\)](#)



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